

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated February 7, 2005. Claims 2 and 4 are currently pending.

In the Office Action, the Examiner has now rejected independent Claims 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Kawashima* (U.S. 5,201,068) in view of *Barkat et al.* (U.S. 5,805,672). More specifically, the Examiner asserts that *Kawashima* discloses all the elements of these claims, except for registering the voice command by the user, which is allegedly taught in *Barkat*. However, it is respectfully submitted that the Examiner is incorrect.

Kawashima is directed to a system and method for controlling voice volume. However, Claims 2 and 4 of the present application each recite a method for adjusting a volume level of *key tones* in a cellular phone. Further, it is respectfully submitted that there is no section of *Kawashima* that teaches a method for adjusting a volume level of key tones in a cellular phone. More specifically, as evidenced by the provision of only the voice volume controller 350 in FIG. 2, *Kawashima* is only directed to controlling voice volume and makes no teachings in regard to adjusting a volume level of key tones in a cellular phone, as recited in Claims 2 and 4. Further, it is respectfully submitted that this deficiency is not cured by *Barkat*. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 2 and 4, and it is respectfully requested that the rejection be withdrawn.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 2 and 4, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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